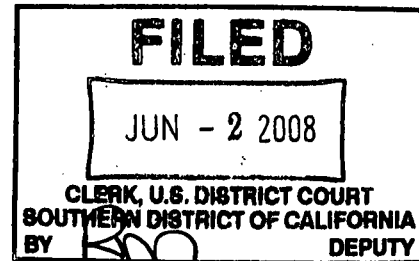
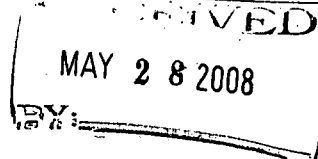


(Name) Manuel Tamayo Torres Jr.(Address) Robax 1350(City, State, Zip) Salinas, Ca 93960(CDC Inmate No.) V12118

2354	1983
FILING FEE PAID	
Yes	No
IFP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	Proctor



United States District Court  
Southern District of California

Manuel Tamayo Torres Jr.  
(Enter full name of plaintiff in this action.)

Plaintiff,

v.

MIKE EVANS. (CON)  
(Enter full name of each defendant in this action.)

Defendant(s).

**'08 CV 0990 IEG AJB**

Civil Case No. \_\_\_\_\_

(To be supplied by Court Clerk)

Complaint Under the  
Civil Rights Act  
42 U.S.C. § 1983

**A. Jurisdiction**

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

**B. Parties**

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Manuel Tamayo Torres Jr. (print Plaintiff's name)

Torres Jr. CDC V12118, who presently resides at Salinas Valley State Prison (mailing address or place of confinement)

, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at Via Centinela State Prison (institution/place where violation occurred)

on (dates) 3-2005/2006

, and

(institution/place where violation occurred)

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

CR

Defendant Ms. Stevenson resides in Imperial County  
(name) (County of residence)  
 and is employed as a Correctional officer. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☐ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: Petty theft, conspiracy, corruption and  
robbery. 6/06 Chapter 13 civil rights § 241

Defendant Ms. Ryan resides in Imperial County  
(name) (County of residence)  
 and is employed as a Correctional officer. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: Petty theft, conspiracy, corruption and  
robbery. 6/06 Chapter 13 civil rights § 241

Defendant Ms. Robles resides in Imperial County  
(name) (County of residence)  
 and is employed as a Correctional Counselor. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: Cruel and unusual punishment, conspiracy  
and corruption. 2005-2006 Freedom of religion,  
Freedom of association. Chapter 13 civil rights § 241

Defendant Ms. Nicholas resides in Imperial County  
(name) (County of residence)  
 and is employed as a Correctional officer (a/c). This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: Freedom from cruel and unusual punishment,  
conspiracy and corruption. 2005-2006 Freedom  
of religion, Freedom of association. § 241

**C. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: freedom from cruel and unusual punishment, freedom of religion and association (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.] ① Defendant

2005-2006 Ms. Robles, when I got to D yard I asked Counselor Robles to change my ethnicity to white, I was having problems with the population cause they had me down as a Mexican. I'm Caucasian white American, Hawaiian and Portuguese my license says im Hispanic and Hispanic is some one of a Portuguese descent. So regardless it says im white and when I ask to be change they refuse, im being racially profiled and wrongfully identified. Im still having problems with all counselors.

Defendant - ② 2005-2006 Counselor Nicholes, when I spoke to Ms. Nicholes I clearly asked to change me of ethnicity and she told me that she needed my birth certificate to do so. As you see I had the same problems with Counselor Nicholes as I did with Ms. Robles. Their holding me to another race! Pull my CDC picture out blue eyes, blond hair, that's it.

Defendant - ③ I'd like the district court to come

and take my D.N.A. sample blood and specimens if needed to identify me as a white man. This is mandatory under §3025 D.N.A. my name is Manuel Tamayo Torres Jr. I'd like to change my name to (John Torrey Oceans) As for my birth certificate it does not have any color nor race next to it, it got's 4 lines ---- it should say white over white, that needs correcting. I was born in San Diego and I am a U.S. citizen. I want this done with the case, correct identity.

Defendant - ④ 2006 C/O Ryan, when I got to "C6"

hole I asked for some of property Ms. Ryan asked what I wanted so I told her, 2 soaps, 1 toothpaste, 1 lotion. We were talking and she told me she wanted half my cosmetics and walked away. I guess she was serious. I transferred out of Centinela State prison and when I got to another yard my property was missing. About \$99.00 all gone look at my store and package receipts all their.

Defendant - ⑤ 2006 C/O Stevenson, Ms. Stevenson handled my property after leaving "C6" hole we signed a inventory slip off my photo album was the only thing missing, I transpacked when I got to the yard everything was missing I got some things back in 2008 but \$99.00 in cosmetics still missing. Polygraph everyone same else probably took my property I had problems with one C/O Gomez, C/O Cuella, a C/O white many C/O's. They'll cover for each other.

⑥ May I add, why would I be moving all these problems if my uncle works for the Correctional department Mr. C/O Wayne Holman. I told the counselors he works out San Diego Donovan State Prison, I see the picture. If you don't relieve my 6 month statement and the scholar filling fee for my In Forming pauperis the the doing of the trust account office, warden, or the counselor. We've been through this already. Salinas Valley State prison. I was stabbed and assaulted already. Racial

Count 2: The following civil right has been violated: \_\_\_\_\_  
(E.g., right to medical care, access to courts,  
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 2.]

Count 3: The following civil right has been violated: \_\_\_\_\_  
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

**Supporting Facts:** [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

**D. Previous Lawsuits and Administrative Relief**

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☒ Yes ☐ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: MANUEL TAMAYO TORRES JR.

Defendants: (CDW) MIKE EVANS, MARVIN SNYDER, C/O BELLINGER, GRANILLO, BLANKERSHIM

(b) Name of the court and docket number: U.S. DISTRICT COURT EASTERN DISTRICT

FRESNO CALIF. 1:08-CV-00428-AWT-GSA-(PC)

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] STILL PENDING

(d) Issues raised:

CRUEL AND UNUSUAL PUNISHMENT, CONSPIRACY CORRUPTION TO CAUSE DEATH  
BY FINISHING A JOB DONE WITH PHARMACEUTICALS

(e) Approximate date case was filed: 3/6/08

(f) Approximate date of disposition: STILL PENDING

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought. NO RESULT WAS SOUGHT ONLY COVER UP'S AND LIES.

**E. Request for Relief**

Plaintiff requests that this Court grant the following relief: \$350<sup>00</sup>

1. An injunction preventing defendant(s):

C/O Stevenson Mrs.  
C/O Ryan Mrs.  
Counselor Mrs. Robles  
Counselor Mrs. Nicholes

2. Damages in the sum of \$ 99<sup>00</sup>

3. Punitive damages in the sum of \$

4. Other: mental, physical  
Damage

**F. Demand for Jury Trial**

Plaintiff demands a trial by ☐ Jury ☒ Court. (Choose one.)

**G. Consent to Magistrate Judge Jurisdiction**

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☐ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☒ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

5/23/08

Date

Signature of Plaintiff



JS44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

Manuel Tamayo Torres Jr.

Evans

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Monterey  
(EXCEPT IN U.S. PLAINTIFF CASES)

FILED	
Yes	No
HYP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	Node

<b>FILED</b>
JUN - 2 2008
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>R. Miley</i> DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Manuel Tamayo Torres Jr.  
PO Box 1050  
Soledad, CA 93960  
V-12118

ATTORNEYS (IF KNOWN)

'08 CV 0990 IEG AJB

## II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |                                         | PT                         | DEF                        |                                                               | PT                         | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

## V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<b>LABOR</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act 29 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 790 Other Labor Litigation	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Electmant	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input checked="" type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

## VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 6/2/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miley

CR